

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES  
APPROPRIATIONS BILL, 2003

JULY 11, 2002.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

Mr. SKEEN, from the Committee on Appropriations,  
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 5093]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 2003. The bill provides regular annual appropriations for the Department of the Interior (except the Bureau of Reclamation) and for other related agencies, including the Forest Service, the Department of Energy, the Indian Health Service, the Smithsonian Institution, and the National Foundation on the Arts and the Humanities.

CONTENTS

	<i>Page number</i>	
	<i>Bill</i>	<i>Report</i>
Department of the Interior:		
Bureau of Land Management .....	2	10
U.S. Fish and Wildlife Service .....	12	25
National Park Service .....	23	40
U.S. Geological Survey .....	32	59
Minerals Management Service .....	34	66
Office of Surface Mining Reclamation and Enforcement .....	37	68
Bureau of Indian Affairs .....	39	73
Departmental Offices .....	47	81
General Provisions .....	54	92
Related Agencies:		

	<i>Page number</i>	
	<i>Bill</i>	<i>Report</i>
Forest Service, USDA .....	75	94
Department of Energy .....	92	119
Fossil Energy .....	92	119
Naval Petroleum and Oil Shale Reserves .....	94	125
Energy Conservation .....	95	128
Economic Regulation .....	95	134
Strategic Petroleum Reserve .....	96	135
Energy Information Administration .....	96	136
Indian Health Service, DHHS .....	99	137
Office of Navajo and Hopi Indian Relocation .....	107	143
Institute of American Indian and Alaska Native Culture and Arts Development .....	108	144
Smithsonian Institution .....	108	144
National Gallery of Art .....	111	148
John F. Kennedy Center for the Performing Arts .....	113	151
Woodrow Wilson International Center for Scholars .....	113	152
National Foundation on the Arts and the Humanities .....	114	152
Commission of Fine Arts .....	116	157
Advisory Council on Historic Preservation .....	117	158
National Capital Planning Commission .....	117	158
United States Holocaust Memorial Museum .....	117	159
Presidio Trust .....	118	159
Title III— General Provisions .....	118	160

### COMPARISON WITH BUDGET RESOLUTION

Section 308(a)(1)(A) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344), as amended, requires that the report accompanying a bill providing new budget authority contain a Statement detailing how the authority compares with the reports submitted under section 302 of the Act for the most recently agreed to concurrent resolution on the budget for the fiscal year. This information follows:

[In millions of dollars]

	Sec. 302(b)		This bill—	
	Discretionary	Mandatory	Discretionary	Mandatory
Budget authority .....	\$19,730	63	\$19,730	63
Outlays .....	18,969	64	19,260	64

The allocation for fiscal year 2003 includes \$1,440,000,000 in discretionary budget authority for conservation spending pursuant to Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and \$1,052,000,000 in outlays. There is also \$400,000,000 in outlays attributable to additional 2002 emergency firefighting funds included in the outlay total.

### SUMMARY OF THE BILL

The Committee has conducted hearings on the programs and projects provided for in the Interior and Related Agencies Appropriations bill for 2003. The hearings are contained in 9 published volumes totaling nearly 10,000 pages.

During the course of the hearings, testimony was taken at 14 hearings on 11 days, not only from agencies which come under the jurisdiction of the Interior Subcommittee, but also from Members

The Committee recommends \$184,745,000 for the Abandoned mine reclamation fund, a decrease of \$18,710,000 below the 2002 funding level and \$10,710,000 above the request. The Committee recognizes the great amount of reclamation work that remains to be done and has increased funding above the request for this program. The Committee has continued the authority for the Appalachian Clean Streams Initiative at \$10,000,000 and the emergency funding and authorities as in fiscal year 2002, and discontinued the special authority for Maryland. The Committee rejects proposals to: reduce Federal high priority projects, cut travel, and not fund fixed cost increases. The Committee encourages the OSM to work more closely with the Federal land managing agencies to fund and repair abandoned mine land problems that are risks to human safety and health, and the environment. Federal lands administered by the agencies funded in this bill have a huge backlog in this program area.

#### BUREAU OF INDIAN AFFAIRS

The Bureau of Indian Affairs was created in 1824; its mission is founded on a government-to-government relationship and trust responsibility that results from treaties with Native groups. The Bureau delivers services to over one million Native Americans through 12 regional offices and 83 agency offices. In addition, the Bureau provides education programs to Native Americans through the operation of 117 day schools, 54 boarding schools, and 14 dormitories. Lastly, the Bureau administers more than 45 million acres of tribally owned land, and 10 million acres of individually owned land and over 309,000 acres of Federally owned land, which is held in trust status.

#### OPERATION OF INDIAN PROGRAMS

Appropriation enacted, 2002 .....	\$1,799,809,000
Budget estimate, 2003 .....	1,837,110,000
Recommended, 2003 .....	1,859,064,000
Comparison:	
Appropriation, 2002 .....	+59,255,000
Budget estimate, 2003 .....	+21,954,000

The amounts recommended by the Committee compared with the budget estimates by activity are shown in the following table:

**Operation of Indian Programs**  
(Dollars in Thousands)

	FY 2002 Enacted	FY 2003 Request	Recommended Recommended	Enacted	Recommended vs. Request
<b>Tribal Priority Allocations</b>					
Tribal government.....	378,956	388,949	390,069	+11,113	+1,120
Human services.....	151,199	148,951	152,951	+1,752	+4,000
Education.....	50,037	50,165	50,165	+128	---
Public safety and justice.....	1,417	1,382	1,382	-35	---
Community development.....	39,784	40,726	40,726	+942	---
Resources management.....	56,743	61,517	61,517	+4,774	---
Trust services.....	49,205	58,383	58,383	+9,178	---
General administration.....	24,815	25,461	25,461	+646	---
Subtotal, Tribal Priority Allocations.....	752,156	775,534	780,654	+28,498	+5,120
<b>Other Recurring Programs</b>					
<b>Education</b>					
<b>School operations</b>					
Forward-funded.....	436,427	452,984	454,985	+18,558	+2,001
Other school operations.....	67,588	69,832	69,832	+2,244	---
Subtotal, School operations.....	504,015	522,816	524,817	+20,802	+2,001
Continuing education.....	41,118	39,118	41,118	---	+2,000
Subtotal, Education.....	545,133	561,934	565,935	+20,802	+4,001
Resources management.....	41,835	34,258	41,261	-574	+7,003
Subtotal, Other Recurring Programs.....	586,968	596,192	607,196	+20,228	+11,004
<b>Non-Recurring Programs</b>					
Community development.....	3,175	---	---	-3,175	---
Resources management.....	32,611	30,215	33,329	+718	+3,114
Trust services.....	37,012	37,295	37,495	+483	+200
Subtotal, Non-Recurring Programs.....	72,798	67,510	70,824	-1,974	+3,314
Total, Tribal Budget System.....	1,411,922	1,439,236	1,458,674	+46,752	+19,438

**Operation of Indian Programs**  
(Dollars in Thousands)

	FY 2002 Enacted	FY 2003 Request	Recommended Enacted	Recommended vs. Request
<b>BIA Operations</b>				
<b>Central Office Operations</b>				
Tribal government.....	2,649	2,654	3,154	+505
Human services.....	909	907	907	-2
Community development.....	886	875	875	-11
Resources management.....	3,476	3,488	3,488	+12
Trust services.....	3,129	8,823	8,823	+5,694
General administration				
Education program management.....	2,435	2,409	2,409	-26
Other general administration.....	44,622	53,334	50,379	+5,757
Subtotal, General administration.....	47,057	55,743	52,788	+5,731
Subtotal, Central Office Operations.....	58,106	72,490	70,035	+11,929
<b>Regional Office Operations</b>				
Tribal government.....	1,324	1,336	1,336	+12
Human services.....	3,067	3,162	3,162	+95
Community development.....	847	853	853	+6
Resources management.....	4,365	5,449	5,449	+1,084
Trust services.....	23,689	24,383	24,383	+714
General administration.....	29,407	29,040	29,040	-367
Subtotal, Regional Office Operations.....	62,679	64,223	64,223	+1,544
<b>Special Programs and Pooled Overhead</b>				
Education.....	16,039	16,273	16,273	+234
Public safety and justice.....	160,652	161,368	161,368	+716
Community development.....	8,623	1,061	6,032	-2,591
Resources management.....	1,311	1,307	1,307	-4
General administration.....	80,477	81,152	81,152	+675
Subtotal, Special Programs and Pooled Overhead..	267,102	261,161	266,132	-970
Total, BIA Operations.....	387,887	397,874	400,390	+12,503
Total, Operation of Indian Programs.....	1,799,809	1,837,110	1,859,064	+59,255
				+21,954

The Committee recommends \$1,859,064,000 for the operation of Indian programs, an increase of \$21,954,000 above the budget request and \$59,255,000 above the 2002 enacted level. The Committee agrees to all internal transfers by the BIA in the budget request. The Committee has provided increases above the enacted level to continue to fund the Administration's request to fix the long-standing problems associated with management of the Indian trust funds.

*Tribal priority allocations.*—The Committee recommends \$780,654,000 for tribal priority allocations, an increase of \$5,120,000 above the budget request and \$28,498,000 above the fiscal year 2002 enacted level, including increases above the 2002 level of \$1,120,000 to provide base funding for six new tribes, \$2,000,000 for the ISD fund, \$4,000,000 for tribal courts, \$2,054,000 for IIM account management, \$585,000 for energy development on trust lands, \$477,000 for natural resources related to energy development, \$2,000,000 for agriculture for the development of management plans, \$1,500,000 for forestry management, \$8,125,000 for trust services for trust reform efforts, \$5,443,000 for fixed costs, and \$1,194,000 for internal transfers.

*Other recurring programs.*—The Committee recommends \$607,196,000 for other recurring programs, \$11,004,000 above the budget request and \$20,228,000 above the fiscal year 2002 enacted level, including increases above the 2002 level of \$2,000,000 for ISEP formula funds, \$3,000,000 for early childhood development, \$2,000,000 for student transportation, \$1,900,000 for facilities operations, \$6,000,000 for administrative cost grants, \$500,000 for the timber-fish-wildlife program, \$1,000,000 for Chippewa/Ottawa treaty fisheries, and \$6,193,000 for fixed costs, and decreases of \$480,000 for irrigation O&M, \$69,000 for the sea otter program, \$803,000 for the Bering Sea Fisherman's Association, \$150,000 for the Nez Perce Tribe, \$317,000 for the upper Columbia River tribes, \$347,000 for the Chugach Regional Resources Commission, and \$199,000 for internal transfers.

The Committee recommends \$524,817,000 for school operations, \$20,802,000 above the 2002 enacted level. The Committee does not support the school privatization initiative. The Committee fully supports the President's education reform efforts and agrees with the Department that tribes that want to manage their own schools should be given that opportunity. Limited funding in the past for basic needs such as facilities operations, student transportation, and administrative cost grants has served as a disincentive for tribes to take over the administration of BIA-operated schools. The Committee firmly believes that strengthening basic education funding and increasing support for administrative cost grants are the key incentives to improving local tribal operations of the BIA schools and enhancing the quality of education. Written testimony that the Committee received from the tribes and tribal organizations was overwhelmingly opposed to the proposed privatization initiative and pressed for a focus on expanding funding for existing education programs and implementing newly enacted education legislation. The Committee encourages the Department and the Bureau to consult with the tribes and to examine the BIA school system needs and new legislative requirements thoroughly in de-

veloping its 2004 budget request to ensure that no Indian child is left behind.

*Non recurring programs.*—The Committee recommends \$70,824,000 for non recurring programs, \$3,314,000 above the budget request and \$1,974,000 below the fiscal year 2002 enacted level, including increases above the 2002 level of \$650,000 for minerals and mining, \$300,000 for water management planning and predevelopment for the Seminole tribe to address water quality programs as part of Everglades restoration efforts, \$1,500,000 for real estate services, and \$193,000 for fixed costs, and decreases of \$500,000 for the Cherion Foundation, \$500,000 for the Alaska fire program, \$75,000 for the Washington ferry assessment, \$400,000 for the tribal guiding program, \$1,700,000 for the distance learning project, \$25,000 for irrigation drainage, \$320,000 for unresolved hunting and fishing rights, \$350,000 for Alaska legal services, and \$747,000 for internal transfers.

Within the \$3,000,000 provided for the "Jobs in the Woods" initiative, \$400,000 should continue to be used by the Northwest Indian Fisheries Commission for the Wildstock Restoration Initiative.

*Central office operations.*—The Committee recommends \$70,035,000 for central office operation, \$2,455,000 below the budget request and \$11,929,000 above the fiscal year 2002 enacted level, including increases above the 2002 level of \$5,700,000 for trust services as part of the bureaus trust reform efforts, \$5,500,000 for information technology issues as part of trust reform, \$500,000 for the branch of acknowledgment, \$156,000 for fixed costs, and \$74,000 for internal transfers, and a decrease of \$1,000 for general administration.

*Regional office operations.*—The Committee recommends \$64,223,000 for regional office operations, the same as the budget request and \$1,544,000 above the fiscal year 2002 enacted level, including increases above the 2002 enacted level of \$1,000,000 for minerals and mining, \$500,000 for the land title records office, \$613,000 for fixed costs, and a decrease of \$569,000 for internal transfers.

*Special programs and pooled overhead.*—The Committee recommends \$266,132,000 for special programs and pooled overhead, \$4,971,000 above the budget request and \$970,000 below the fiscal year 2002 enacted level including increases above the 2002 level of \$3,000,000 for facilities operations, and \$1,485,000 for fixed costs, and decreases of \$500,000 for the Indian Arts and Craft Board, \$100,000 for the Ponca tribe economic development plan, \$1,000,000 for the Yuut Elitnauviat learning center, \$1,000,000 for the aviation training program, \$401,000 for intra-governmental transfers, \$2,000,000 for employee displacement costs, and \$454,000 for internal transfers.

*Bill Language.*—Language is included under administrative provisions allowing the Bureau to contract for management, operations, and maintenance services for the San Carlos Irrigation Project.

The Committee is aware of concerns that the Solicitor may not be providing the Indian Arts and Crafts Board with adequate legal representation and urges the Solicitor to provide appropriate legal representation for the Indian Arts and Crafts Board in enforcement of the Indian Arts and Crafts Act.

The Committee once again takes note of two innovative programs underway by the Tohono O'odham Nation in Arizona. The Nation has developed a higher education services program to assist tribal members in identifying available funding sources for higher education, as well as preparatory course work. The Nation has also developed an employment assistance program to assist tribal members to find employment through direct employment assistance and vocational training. The Committee strongly encourages the Bureau to review favorably these programs as it develops the 2004 budget.

The Committee recognizes the extraordinary cost savings and positive environmental benefits achieved by the military through the implementation of pulse technology as a major component of its battery management programs. The Committee believes that the Bureau would also benefit significantly and directly from the use of this technology to extend the life of vehicle batteries. These benefits include savings in battery replacement costs, reduction in overall maintenance costs for vehicles and ancillary equipment, and a resultant increase in safety for personnel. The Committee urges the Bureau to incorporate this technology in its ongoing purchase and maintenance programs for vehicles. The Bureau should report to the Committee by December 31, 2002, on its plans to comply with this direction. Beginning with the fiscal year 2004 budget request, the budget submission should include an accounting of the extent to which battery pulse technology is being employed and the savings expected and realized as a result of the use of this technology.

#### CONSTRUCTION

Appropriation enacted, 2002 .....	\$357,132,000
Budget estimate, 2003 .....	345,252,000
Recommended, 2003 .....	345,252,000
Comparison:	
Appropriation, 2002 .....	- 11,800,000
Budget estimate, 2003 .....	0

The amounts recommended by the Committee compared with the budget estimates by activity are shown in the following table:



**Construction**  
(Dollars in Thousands)

	FY 2002 Enacted	FY 2003 Request	Recommended Enacted	Recommended vs. Request
Education.....	292,503	292,717	292,717	+214
Public safety and justice.....	5,541	5,046	5,046	-495
Resources management.....	50,845	39,173	39,173	-11,472
General administration.....	2,179	2,182	2,182	+3
Construction management.....	6,264	6,134	6,134	-130
Total, Construction.....	357,132	345,252	345,252	-11,880

The Committee recommends \$345,252,000 for construction, the same as the budget request and 11,880,000 below the fiscal year 2002 enacted level.

*Education.*—The Committee recommends \$292,717,000 for education construction, the same as the budget request and \$214,000 above the fiscal year 2002 enacted level including increases above the 2002 level of \$2,576,000 for facilities improvement and repair and \$214,000 for fixed costs, and a decrease of \$2,576,000 for replacement school construction. The funding level for replacement school construction is sufficient to construct the following six schools: Santa Fe Indian School, NM; Kayenta Boarding School, AZ; Tiospa Zina Tribal School, SD; Wide Ruins Boarding School, AZ; Low Mountain Boarding school, AZ; and the St. Francis Indian School, SD.

Within the funds provided for facilities improvement and repair, \$918,000 is for the Ramah Navajo replacement dormitory. This funding level is sufficient to complete construction of this project.

*Public safety and justice.*—The Committee recommends \$5,046,000 for public safety and justice, the same as the budget request and \$495,000 below the fiscal year 2002 enacted level, including an increase above the 2002 level of \$5,000 for fixed costs and a decrease of \$500,000 for fire protection.

*Resources management.*—The Committee recommends \$39,173,000 for resources management, the same as the budget request and \$11,472,000 below the fiscal year 2002 enacted level, including increases above the 2002 level of \$57,000 for fixed costs, and \$701,000 for internal transfers for FERC activities, and a decrease of \$12,230,000 for the Navajo irrigation project.

*General administration.*—The Committee recommends \$8,316,000 for general administration, the same as the budget request and \$127,000 below the fiscal year 2002 enacted level, including an increase above the 2002 level of \$73,000 for fixed costs and a decrease of \$200,000 for construction program management.

#### INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

Appropriation enacted, 2002 .....	\$60,949,000
Budget estimate, 2003 .....	57,949,000
Recommended, 2003 .....	60,949,000
Comparison:	
Appropriation, 2002 .....	0
Budget estimate, 2003 .....	+3,000,000

The Committee recommends \$60,949,000 for Indian land and water claim settlements and miscellaneous payments to Indians \$3,000,000 above the budget request and the same as the 2002 enacted level. Funding includes \$625,000 for White Earth, \$250,000 for Hoopa-Yurok, \$24,728,000 for the Ute settlement, \$142,000 for Pyramid Lake, \$5,068,000 for Rocky Boys, \$19,000,000 for the Schiviwtz Band of which \$3,000,000 for land acquisition is funded under this account rather than the departmental management as proposed in the budget request, \$3,136,000 for Santo Domingo Pueblo, and \$8,000,000 for Colorado Ute.

## INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

Appropriation enacted, 2002 .....	\$4,986,000
Budget estimate, 2003 .....	5,493,000
Recommended, 2003 .....	5,493,000
Comparison:	
Appropriation, 2002 .....	+507,000
Budget estimate, 2003 .....	0

The Committee recommends \$5,493,000 for the Indian guaranteed loan program account the same as the budget request and \$507,000 above the fiscal year 2002 enacted level.

## DEPARTMENTAL OFFICES

## INSULAR AFFAIRS

## ASSISTANCE TO TERRITORIES

The Office of Insular Affairs (OIA) was established on August 4, 1995 through Secretarial Order No. 3191, which also abolished the former Office of Territorial and International Affairs. The OIA has important responsibilities to help the United States government fulfill its responsibilities to the four U.S. territories of Guam, American Samoa, U.S. Virgin Islands and the Commonwealth of the Northern Mariana Islands (CNMI) and also the three freely associated States: the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI) and the Republic of Palau. The permanent and trust fund payments to the territories and the compact nations provide substantial financial resources to these governments.

Appropriation enacted, 2002 .....	\$78,950,000
Budget estimate, 2003 .....	70,217,000
Recommended, 2003 .....	73,217,000
Comparison:	
Appropriation, 2002 .....	-5,733,000
Budget estimate, 2003 .....	+3,000,000

The amounts recommended by the Committee compared with the budget estimates by activity are shown in the following table:

## NATIONAL INDIAN GAMING COMMISSION

## SALARIES AND EXPENSES

Appropriation enacted, 2002 .....	0
Budget estimate, 2003 .....	2,000,000
Recommended, 2003 .....	2,000,000
Comparison:	
Appropriation, 2002 .....	+2,000,000
Budget estimate, 2003 .....	0

The Committee recommends \$2,000,000 for the National Indian Gaming Commission the same as the budget request and \$2,000,000 above the fiscal year 2002 enacted level.

## OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

## FEDERAL TRUST PROGRAMS

Appropriation enacted, 2002 .....	\$99,224,000
Budget estimate, 2003 .....	\$151,027,000
Recommended, 2003 .....	141,277,000
Comparison:	
Appropriation, 2002 .....	+42,053,000
Budget estimate, 2003 .....	-9,750,000

The Committee recommends \$141,277,000 for the office of special trustee for American Indians, \$9,750,000 below the budget request and \$42,053,000 above the fiscal year 2002 enacted level.

*Executive direction.*—The Committee recommends \$2,530,000 for executive direction, an increase above the 2002 level of \$34,000 for fixed costs.

*Operations.*—The Committee recommends \$39,516,000 for operations, including increases above the 2002 level of \$15,767,000 for fixed costs, \$4,848,000 for the office of trust fund management, and \$2,400,000 for field operations.

*Litigation support and records.*—The Committee recommends \$3,129,000 for litigation support and records, including increases above the 2002 level of \$80,000 for fixed costs, \$200,000 for records operations, and \$300,000 for litigation support.

*Program support services.*—The Committee recommends \$5,451,000 for program support services, including a program increase above the 2002 level of \$1,226,000 and a decrease of \$503,000 for fixed costs.

*Improvement initiatives.*—The Committee recommends \$90,651,000 for improvement initiatives, including increases above the 2002 level of \$2,500,000 for OST data cleanup, \$2,000,000 for BIA data cleanup, \$4,000,000 for records management, \$4,000,000 for policies and procedures, \$1,000,000 for risk management, \$5,050,000 for trust improvement coordination, \$1,975,000 for the three trust breaches, \$7,500,000 for historical accounting, and \$10,000,000 for trust net to address high-priority computer security problems, and decreases of \$14,124,000 for fixed costs, \$2,000,000 for the probate cleanup, \$2,000,000 for trust asset account management system, and \$2,200,000 for training.

*Bill Language.*—The Committee remains very concerned about the escalating costs associated with the Cobell v. Norton litigation and with the effect this litigation is having on the Department's trust reform efforts. Therefore, the Committee has included a number of legislative provisions (under General Provisions, Department

of the Interior) it believes are important in moving the trust reform process forward.

The Committee has included a general provision to address the issue of releasing the Ernst and Young study, and has included legislative language in the Office of Special Trustee account to address the issue of an historical accounting. In the Fiscal Year 2002 Joint Explanatory Statement of the Committee of Conference, the managers reiterated their position that they will not appropriate hundreds of millions of dollars for a historical accounting whose outcome is unlikely to be successful. The Committee now believes that a transaction-by-transaction accounting for all accounts without regard to when the funds were deposited could cost as much as \$1 billion. The allocation of these funds would have a devastating effect on Indian country by siphoning scarce resources away from critical Indian programs.

The Committee's concern is reinforced by the opposition of plaintiffs in *Cobell v. Norton* to disclose the results of the Ernst and Young report on the historical accounting of the five named plaintiffs and their predecessors. Accordingly, the Committee has included a requirement for disclosure to the Committee of a summary of the Ernst and Young report. Congress provided nearly \$20 million to conduct this accounting and the Committee believes that the results of this accounting will provide important information for determining whether this expenditure was a wise use of appropriated funds, and to serve as a benchmark to determine the extent to which future appropriations for this type of activity are warranted.

The Committee has also included a provision limiting the historical accounting to a more defined period. By limiting the historical accounting, the Committee will focus its limited resources on a manageable group of accounts for which results can be produced within a reasonable period of time and at a more reasonable cost. By specifying the starting date for the accounting, it is the Committee's intent that the balance in each account as of that date shall be accepted as correct for purposes of the accounting. This provision also includes language limiting, until further action by the Congress, any historical accounting beyond that described in the provision.

Further accounting shall not proceed until the Committees on Appropriations and the relevant Committees of jurisdiction have had an opportunity to review the comprehensive plan now under development by the Department, the Ernst and Young report, and the results of the focused accounting funded in this bill. Such a review will provide the Congress the opportunity to consider options for further accounting or other legislative remedies.

The Committee notes that the Special Master and the Court Monitor appointed by the Court to review various aspects of trust reform at the Department are receiving compensation for their activities that exceed those of the Chief Justice and the Vice President of the United States. The Committee believes that, by any measure, the current level of compensation is excessive. Therefore, given current fiscal and budgetary constraints, the Committee has included a general provision that caps the compensation for each of these Court Officers at no more than 200 percent of the highest Senior Executive Service rate of pay. For fiscal year 2003, that maximum amount is \$276,400.

With minor exceptions the current Special Trustee Advisory Board has been in place since the Board was first constituted, even though the Trust Reform Act established a nine member Board to be appointed by the Special Trustee for a period of two years. Recent events, including the EDS report, the decision to replace the High Level Implementation Plan with a new Strategic Plan, the Secretary's proposal to create a new organizational structure to address trust reform, and the establishment of a new Office of Historical Trust Accounting, speak to the need for a new board with a new perspective and fresh ideas. In addition, the Committee remains concerned over the appearance of a conflict of interest having the named plaintiff in the Cobell v. Norton litigation on the Advisory Board. Therefore, the Committee has included a general provision requiring the appointment of a new advisory board.

The Committee is very concerned that the ongoing Cobell v. Norton litigation is jeopardizing the ability of the Department of the Interior to successfully implement trust reform. The Committee finds it particularly troubling that almost every individual in a position of leadership has been subject to a contempt of court motion by the plaintiffs in the case. It is clear to the Committee that this legal strategy is resulting in some of the best people having to recuse themselves from working on trust reform, and it is becoming more difficult for the Department to hire talented people to take on the difficult responsibilities. If this situation continues unabated it will surely result in the inability of the Department to implement trust reform. To help ameliorate this extraordinary situation, the Committee has included a general provision that would help the employees in the Department pay for legal costs arising from this litigation. It is the Committee's hope that this language will create sufficient incentives to allow the Department to continue to seek out the best and the brightest for this challenging work.

#### INDIAN LAND CONSOLIDATION

Appropriation enacted, 2002 .....	\$10,980,000
Budget estimate, 2003 .....	7,980,000
Recommended, 2003 .....	7,980,000
Comparison:	
Appropriation, 2002 .....	- 3,000,000
Budget estimate, 2003 .....	0

The Committee recommends \$7,980,000 for Indian land consolidation the same as the budget request and \$3,000,000 below the fiscal year 2002 enacted level.

#### NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

##### NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The purpose of the Natural Resource Damage Assessment Fund is to provide the basis for claims against responsible parties for the restoration of injured natural resources. Assessments ultimately will lead to the restoration of injured resources and reimbursement for reasonable assessment costs from responsible parties through negotiated settlements or other legal actions. Operating on a "polluter pays" principle, the program anticipates recovering over \$54 million in receipts in fiscal year 2002, with the vast majority to be used for the restoration of injured resources. The program works

to restore sites ranging in size from small town landfills to the Exxon Valdez oil spill of 1989 in Alaska.

Prior to fiscal year 1999, this account was included under the United States Fish and Wildlife Service appropriation. The account was moved under the Departmental Offices heading because its functions relate to several different bureaus within the Department of the Interior.

Appropriation enacted, 2002 .....	\$5,497,000
Budget estimate, 2003 .....	5,538,000
Recommended, 2003 .....	5,538,000
Comparison:	
Appropriation, 2002 .....	+41,000
Budget estimate, 2003 .....	0

The Committee recommends \$5,538,000 for the natural resource damage assessment fund, which is equal to the budget request and \$41,000 above the fiscal year 2002 level. The Committee encourages the Service to use the National Fish and Wildlife Foundation for some of its restoration work under this program. The Foundation has a proven track record in establishing partnerships and leveraging Federal funds for habitat restoration.

#### GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

The Committee recommends continuing several provisions carried in previous bills as follows. Sections 101 and 102 provide for emergency transfer authority with the approval of the Secretary. Section 103 provides for warehouse and garage operations and for reimbursement for those services. Section 104 provides for vehicle and other services. Section 105 provides for uniform allowances. Section 106 provides for twelve-month contracts. Sections 107 through 110 prohibit the expenditure of funds for Outer Continental Shelf (OCS) leasing activities in certain areas. These OCS provisions are addressed under the Minerals Management Service in this report. Section 111 limits the investment of Federal funds by tribes and tribal organizations to obligations of the United States or obligations insured by the United States. Section 112 prohibits the National Park Service from reducing recreation fees for non-local travel through any park unit. Section 113 continues permitting the transfer of funds between the Bureau of Indian Affairs and the Office of Special Trustee for American Indians.

Section 114 provides permanent authority to the Secretary of the Interior to negotiate and enter into agreements and leases with certain entities associated with Fort Baker. The language permits funds to be retained from leases and proceeds from agreements, for the preservation, restoration, operation, maintenance and interpretation of Fort Baker. The funds are available until expended.

Section 115 continues a provision allowing the hiring of administrative law judges to address the Indian probate backlog.

Section 116 permits the redistribution of tribal priority allocation and tribal base funds to alleviate funding inequities.

Section 117 continues a provision requiring the allocation of Bureau of Indian Affairs postsecondary schools funds consistent with unmet needs.

Section 118 continues a provision limiting the use of the Huron Cemetery in Kansas City to religious purposes.

Section 119 continues a provision permitting the conveyance of the Twin Cities Research Center of the former Bureau of Mines for the benefit of the National Wildlife Refuge System.

Section 120 extends for one year a provision regarding the use of transportation fees under the National Parks Omnibus Management Act of 1998.

Section 121 continues a provision authorizing a cooperative agreement with the Golden Gate National Parks Association.

Section 122 continues a provision permitting the Bureau of Land Management to retain funds from the sale of seeds and seedlings.

Section 123 continues a provision permitting the sale of improvements and equipment at the White River Oil Shale Mine in Utah and the retention and use of those funds by the Bureau of Land Management and the General Services Administration.

Section 124 continues a provision authorizing the Secretary of the Interior to use helicopter or motor vehicles to capture and transport horses and burros at the Sheldon and Hart National Wildlife Refuges.

Section 125 authorizes federal funds for Shenandoah Valley Battlefield NHD and Ice Age NST to be transferred to a State, local government, or other governmental land management entity for acquisition of lands.

Section 126 continues a provision prohibiting the closure of the underground lunchroom at Carlsbad Caverns NP, NM.

Section 127 continues a provision preventing the demolition of a bridge between New Jersey and Ellis Island.

Section 128 continues a provision prohibiting the posting of signs at Canaveral National Seashore as clothing optional areas if it is inconsistent with county ordinance.

Section 129 permits the use of funds for incidental expenses related to promoting the Centennial of the National Wildlife Refuge System.

Section 130 authorizes the National Park Service to enter into a cooperative agreement with Capitol Concerts.

Section 131 requires the Department of the Interior to provide a summary of the Ernst and Young report on the historical accounting of the named plaintiffs in *Cobell v. Norton*.

Section 132 limits compensation for the Special Master and Court Monitor appointed by the Court in *Cobell v. Norton* to 200 percent of the highest Senior Executive Service rate of pay.

Section 133 requires the Special Trustee for American Indian to appointment new Advisory Board members.

Section 134 allows the Secretary to pay private attorney fees for employees and former employees incurred in connection with *Cobell v. Norton*.

Section 135 allows the Interior firefighting Bureaus to engage in firefighting activities on non-Federal lands.

Section 136 extends the deadline for submission of reports and termination of the Commission to create a National Museum of African American History and Culture Plan for Action to September 30, 2003.

Section 137 makes funds appropriated in the Labor, Health and Human Services, Education and Related Agencies Appropriations Act for fiscal year 2002, for the National Museum of African Amer-



ican History and Culture Plan for Action Presidential Commission, available until expended.

Section 138 ensures that the Department of the Interior, with significant technical expertise and stewardship responsibilities for one-half of the remaining Everglades, is included as a full partner with the Army Corps and the State of Florida agencies in the inter-agency and interdisciplinary team known as "RECOVER". Under the Comprehensive Everglades Restoration Plan recently authorized by Congress, RECOVER is responsible for assessing, evaluating and integrating the numerous projects that comprise the Comprehensive Everglades Restoration Plan so that the goals and purposes of the Plan, including the restoration of the Everglades natural system, are achieved. Including the Department of the Interior as a full partner will ensure that Interior's significant technical expertise is fully utilized and that the primary Federal interest in the Comprehensive Plan, the restoration of the Everglades, is achieved.

Section 139 requires the Fish and Wildlife Service to mark hatchery salmon.

Section 140 names the visitor center at the Bitter Lake National Wildlife Refuge in New Mexico the Joseph R. Skeen Visitor Center.

Section 141 establishes a thirteen member Commission to study the effect of gaming on Indian country.

## TITLE II— RELATED AGENCIES

### DEPARTMENT OF AGRICULTURE

#### FOREST SERVICE

The U.S. Forest Service manages 192 million acres of public lands for multiple use Nationwide, including lands in 44 States and Puerto Rico. The Forest Service administers a wide variety of programs, including forest and rangeland research, State and private forestry assistance, wildfire suppression and fuels reduction, cooperative forest health programs, and human resource programs. The National Forest System (NFS) includes 155 National forests, 20 National grasslands, 20 National recreation areas, a National tallgrass prairie, 5 National monuments, and 6 land utilization projects. The NFS is managed for multiple use, including timber production, recreation, wilderness, minerals, grazing, fish and wildlife habitat management, and soil and water conservation.

During the past two years the Congress has funded the national fire plan submitted by the Secretaries of Agriculture and the Interior and the governors. The Committee remains committed to the national fire plan and understands that this requires the long-term involvement of Federal, State and local governments and tribes, working with citizens and industries. The Committee has invested in a broad program which: (1) provides firefighting resources and personnel; (2) funds rehabilitation and restoration; (3) invests in active management to reduce wildfire risk by reducing hazardous fuels; (4) provides State, volunteer and community assistance and invests in research and development; and (5) requires continual and careful accountability to monitor performance. If appropriated funds are insufficient during emergency situations, other available funds may be used for fire suppression but the Administration

Appropriation enacted, 2002 .....	\$78,499,000
Budget estimate, 2003 .....	80,111,000
Recommended, 2003 .....	80,611,000
Comparison:	
Appropriation, 2002 .....	+2,112,000
Budget estimate, 2003 .....	+500,000

The Committee recommends \$80,611,000 for the Energy Information Administration, an increase of \$500,000 above the budget request and \$2,112,000 above the fiscal year 2002 level. The increase above the request is for essential coal data system improvements.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### INDIAN HEALTH SERVICE

#### INDIAN HEALTH SERVICES

The provision of Federal health services to Indians is based on a special relationship between Indian tribes and the U.S. Government first set forth in the 1830s by the U.S. Supreme Court under Chief Justice John Marshall. Numerous treaties, statutes, constitutional provisions, and international law have reconfirmed this relationship. Principal among these is the Snyder Act of 1921, which provides the basic authority for most Indian health services provided by the Federal Government to American Indians and Alaska Natives. The Indian Health Service (IHS) provides direct health care services in 36 hospitals, 58 health centers, 4 school health centers, and 44 health stations. Tribes and tribal groups, through contracts with the IHS, operate 13 hospitals, 161 health centers, 3 school health centers, and 249 health stations (including 170 Alaska Native village clinics). The IHS, tribes and tribal groups also operate 11 regional youth substance abuse treatment centers and 2,252 units of staff quarters.

Appropriation enacted, 2002 .....	\$2,389,614,000
Budget estimate, 2003 .....	2,453,835,000
Recommended, 2003 .....	2,508,756,000
Comparison:	
Appropriation, 2002 .....	+119,142,000
Budget estimate, 2003 .....	+54,921,000

The amounts recommended by the Committee compared with the budget estimates by activity are shown in the following table:

**Indian Health Services**  
(Dollars in Thousands)

	FY 2002 Enacted	FY 2003 Request	Recommended	Enacted	Recommended vs. Request
<b>Clinical Services</b>					
IHS and tribal health delivery					
Hospital and health clinic programs.....	1,153,711	1,188,540	1,224,540	+70,829	+36,000
Dental health program.....	95,305	100,085	100,285	+4,980	+200
Mental health program.....	47,142	50,626	50,626	+3,484	--
Alcohol and substance abuse program.....	135,005	137,744	137,744	+2,739	--
Contract care.....	460,776	468,130	483,130	+22,354	+15,000
Subtotal, Clinical Services.....	1,891,939	1,945,125	1,996,325	+104,386	+51,200
<b>Preventive Health</b>					
Public health nursing.....	37,781	39,875	39,875	+2,094	--
Health education.....	10,628	11,063	11,063	+435	--
Community health representatives program.....	49,789	50,774	50,774	+985	--
Immunization (Alaska).....	1,526	1,556	1,556	+30	--
Subtotal, Preventive Health.....	99,724	103,268	103,268	+3,544	--
<b>Urban health projects.....</b>					
Indian health professions.....	30,947	31,528	31,528	+581	--
Tribal management.....	31,165	35,373	35,373	+4,208	--
Direct operations.....	2,406	2,406	2,406	--	--
Self-governance.....	55,323	55,312	56,134	+811	+822
Contract support costs.....	9,876	10,089	1,089	-8,787	-9,000
Annuitant health care (formerly paid by DoD).....	268,234	270,734	270,734	+2,500	--
Medicare/Medicaid Reimbursements	--	--	11,899	+11,899	+11,899
Hospital and clinic accreditation (Est. collecting).	(499,985)	(449,985)	(449,985)	(-50,000)	--
<b>Total, Indian Health Services.....</b>	<b>2,389,614</b>	<b>2,453,835</b>	<b>2,508,756</b>	<b>+119,142</b>	<b>+54,921</b>

The Committee recommends \$2,508,756,000 for Indian health services, an increase of \$54,921,000 above the budget request and \$119,142,000 above the fiscal year 2002 level. Changes to the budget request are discussed below.

Hospital and clinic programs are increased by \$36,000,000, including \$33,000,000 for the Indian health care improvement fund and \$3,000,000 for the Lawton, OK hospital. Dental health programs are increased by \$200,000 to fund the increased use of volunteer dentists. Contract health services are increased by \$15,000,000 to address the large unmet need for contract services. Direct operations are increased by \$822,000 to address administrative shortfalls at Headquarters and Area Offices. Self-governance is decreased by \$9,000,000, which leaves sufficient funds for the staffing and operational expenses of the 8 FTEs in that office. An increase of \$11,899,000 is provided to cover the cost of health care for Public Health Service annuitants. These costs were previously paid by the Department of Defense.

The Committee agrees to the following:

1. The Lawton, OK hospital was constructed in the 1960s with Federal funds but never received any additional funds for staffing of new facilities. The situation has reached a crisis level with IHS needing to reprogram funds to keep the hospital operating in each of the last few years. This situation is unique to the Lawton hospital. These funds should remain in the base to cover ongoing operational needs at the hospital. If additional funds are required, they should be justified in the 2004 budget submission.

2. Funding for the Indian health care improvement fund is limited to the 55 most underfunded units. According to the IHS, this is the amount needed to bring those units up to 40 percent of needed funding.

3. There have been no new self-governance compacts recently and therefore funds can be shifted from the self-governance account to other underfunded programs. This should not impact existing compacts because the funds in this account were intended for shortfall costs associated with new compacts. After compacts are operational, costs should be funded from health program funds.

4. Funds for the pharmacy residency program remain in the base for fiscal year 2003.

5. The fiscal year 2001 direction on the use of loan repayment program funding should continue to be followed in fiscal year 2003.

6. The budget increase of \$4,000,000 for recruiting health professionals should not be limited to former military and Department of Veteran Affairs health professionals. The IHS should pursue those recruitment possibilities as part of its overall recruitment program but, given the great need for health professionals, it should not set aside a specific amount of money for any particular population segment of the recruitment pool.

7. IHS needs to reexamine its estimates of administrative costs for operation of Federally-run health programs and its estimates of residual costs for operation of inherently Federal functions at Headquarters and Area Offices and request increases for direct operations as needed in the fiscal year 2004 budget.

Bill language is recommended, under Title III—General Provisions, providing for a demonstration program for the Cheyenne River Sioux Tribe in South Dakota. The tribe has reported that, by

offering bonus payments to health professionals, it will be able to hire full time personnel at less cost than paying for part time contract health services. The Committee expects the Service to implement this demonstration program within 30 days of enactment of this Act; to monitor the program closely; and report to the Committee by April 1, 2003, with an evaluation of the program and recommendations on whether or not it should be extended in fiscal year 2004.

#### INDIAN HEALTH FACILITIES

The need for new Indian health care facilities has not been fully quantified but it is safe to say that many billions of dollars would be required to renovate existing facilities and construct all the needed new hospitals and clinics. Safe and sanitary water and sewer systems for existing homes and solid waste disposal needs currently are estimated to amount to over \$876 million for those projects that are considered to be economically feasible.

Appropriation enacted, 2002 .....	\$369,487,000
Budget estimate, 2003 .....	362,571,000
Recommended, 2003 .....	391,865,000
Comparison:	
Appropriation, 2002 .....	+22,378,000
Budget estimate, 2003 .....	+29,294,000

The amounts recommended by the Committee compared with the budget estimates by activity are shown in the following table:

**Indian Health Facilities**  
(Dollars in Thousands)

	FY 2002 Enacted	FY 2003 Request	Recommended	Enacted	Recommended vs. Request
Maintenance and improvement.....	46,331	47,331	52,331	+6,000	+5,000
Sanitation facilities.....	93,827	93,983	93,983	+156	---
Construction facilities.....	86,260	72,000	94,294	+8,034	+22,294
Facilities and environmental health support.....	126,775	132,963	132,963	+6,188	---
Equipment.....	16,294	16,294	18,294	+2,000	+2,000
<b>Total, Indian Health Facilities.....</b>	<b>369,487</b>	<b>362,571</b>	<b>391,865</b>	<b>+22,378</b>	<b>+29,294</b>

The Committee recommends \$391,865,000 for Indian health facilities, an increase of \$29,294,000 above the budget request and \$22,378,000 above the fiscal year 2002 level. Changes to the budget request include \$5,000,000 for maintenance and improvement, \$2,000,000 for equipment and \$22,294,000 for hospital and clinic construction, including \$1,994,000 to complete the Pawnee, OK clinic, \$3,000,000 for the Sisseton, SD clinic infrastructure, \$1,300,000 for design of the Clinton, OK clinic; \$5,000,000 for phase III of the Bethel, AK clinic staff quarters, \$1,000,000 to restore funding for dental units, and \$10,000,000 for small ambulatory care facilities.

The Committee agrees to the following distribution of hospital and clinic construction funds:

Project	2003 request	Committee recommendation	Difference
Fort Defiance, AZ hospital .....	\$20,400,000	\$20,400,000	.....
Winnebago, NE hospital .....	8,241,000	8,241,000	.....
Pinon, AZ clinic .....	13,900,000	13,900,000	.....
Red Mesa, AZ clinic .....	7,653,000	7,653,000	.....
Pawnee, OK clinic .....	10,639,000	12,633,000	1,994,000
St. Paul, AK clinic .....	11,167,000	11,167,000	.....
Sisseton, SD clinic .....	.....	3,000,000	3,000,000
Clinton, OK clinic .....	.....	1,300,000	1,300,000
Bethel, AK staff quarters .....	.....	5,000,000	5,000,000
Small ambulatory facilities .....	.....	10,000,000	10,000,000
Dental units .....	.....	1,000,000	1,000,000
<b>Total .....</b>	<b>72,000,000</b>	<b>94,294,000</b>	<b>22,294,000</b>

The Committee agrees to the following:

1. The maintenance program funding increase needs to remain in the base budget for 2004 and beyond. Further increases will be necessary as existing facilities get older and as more hospitals and clinics are built and expanded.

2. The increase for equipment should be focused on replacing outdated analog medical devices with digital medical devices and telemedicine equipment and should remain in the base budget. Further increases will be necessary as existing equipment becomes outdated and as more hospitals and clinics are built and expanded.

3. The Service should continue to work on needed improvements to the facilities priority system so that the full range of need for facilities in Indian country is given appropriate consideration.

4. The methodology used to distribute facilities funding should address the fluctuating annual workload and maintain parity among IHS areas and tribes as the workload shifts.

5. Funds for sanitation facilities for new and renovated housing should be used to serve housing provided by the Bureau of Indian Affairs Housing Improvement Program, new homes and homes renovated to like-new condition. Onsite sanitation facilities may also be provided for homes occupied by the disabled or sick who have physician referrals indicating an immediate medical need for adequate sanitation facilities at home.

6. Sanitation funds should not be used to provide sanitation facilities for new homes funded by the housing programs of the Department of Housing and Urban Development. The HUD should provide any needed funds to the IHS for that purpose.

7. The IHS may use up to \$5,000,000 in sanitation funding for projects to clean up and replace open dumps on Indian lands pursuant to the Indian Lands Open Dump Cleanup Act of 1994.

Bill language is included to continue the Bethel, AK staff quarters project. Fiscal year 2003 is the third year of a four year commitment to this construction project.

## OTHER RELATED AGENCIES

### OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

#### SALARIES AND EXPENSES

The dispute between the Hopi and Navajo tribes is centuries-old. The Hopi trace their origin on the the land back to the Anasazi race whose presence is recorded back to 1150 A.D. Later in the 16th century Navajo settlement led to the isolation of the Hopi Reservation as an island within the area occupied by the Navajo reservation. In 1882, President Arthur issued an Executive Order which granted the Hopi a 2.5 million acre reservation to be occupied by the Hopi and such other Indians as the Secretary of the Interior saw fit to resettle there. Intertribal problems arose between the Navajo tribe and the Hopi tribe revolving around the question of the ownership of the land as well as cultural differences between the two tribes. Efforts to resolve these conflicts were not successful and led Congress to pass legislation in 1958 which authorized a lawsuit to determine ownership of the land. When attempts at mediation of the dispute as specified in an Act passed in 1974 failed, the district court in Arizona partitioned the Joint Use Area equally between the Navajo and Hopi tribes under a decree that has required the relocation of members of both tribes. Most of those to be relocated are Navajo living on the Hopi Partitioned Land.

At this time approximately 233 households remain be relocated, of which 24 are full-time residents on the Hopi Partitioned Land. A total of 3,269 families have been relocated from the Hopi Partitioned Land.

Appropriation enacted, 2002 .....	\$15,148,000
Budget estimate, 2003 .....	14,491,000
Recommended, 2003 .....	14,491,000
Comparison:	
Appropriation, 2002 .....	- 657
Budget estimate, 2003 .....	0

The Committee recommends \$14,491,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation, the same as the budget request and \$657,000 below the 2002 enacted level.



struction projects; and the management and use of government loan authorities.

### TITLE III—GENERAL PROVISIONS

Section 301 provides for public availability of information on consulting services contracts.

Section 302 prohibits activities to promote public support or opposition to legislative proposals.

Section 303 provides for annual appropriations unless expressly provided otherwise in this Act.

Section 304 limits the use of personal cooks, chauffeurs or servants.

Section 305 limits assessments against programs without Committee approval.

Section 306 limits the sale of giant sequoia.

Section 307 continues a limitation on accepting and processing applications for patents and on the patenting of Federal lands; permits processing of grandfathered applications; and permits third-party contractors to process grandfathered applications.

Section 308 limits payments for contract support costs in past years to the funds available in law and accompanying report language in those years for the Bureau of Indian Affairs and the Indian Health Service.

Section 309 continues provision specifying reforms and limitations dealing with the National Endowment for the Arts.

Section 310 continues a provision permitting the collection and use of private funds by the National Endowment for the Arts and the National Endowment for the Humanities.

Section 311 continues direction to the National Endowment for the Arts on funding distribution.

Section 312 continues a limitation on completing and issuing the five-year program under the Forest and Rangeland Renewable Resources Planning Act.

Section 313 continues a provision prohibiting the use of funds to support government-wide administrative functions unless they are justified in the budget process and approved by the House and Senate Appropriations Committees.

Section 314 continues a provision which permits the Forest Service to use the roads and trails fund for backlog maintenance and priority forest health treatments.

Section 315 continues a provision limiting the use of answering machines during core business hours except in case of emergency and requires an option of talking to a person. The American taxpayer deserves to receive personal attention from public servants.

Section 316 continues a provision carried last year regulating the export of Western redcedar from National forest system lands in Alaska.

Section 317 prohibits the Forest Service from using projects under the recreation fee demonstration program to supplant existing concessions.

Section 318 clarifies the Forest Service land management planning revision requirements.

Section 319 clarifies the requirement for mutually significant benefits when the Forest Service conducts cooperative agreements.

Section 320 continues a provision limiting preleasing, leasing and related activities within the boundaries of National monuments.

Section 321 amends legislation to extend for one additional year the Forest Service's authority for stewardship end result contracts.

Section 322 makes a technical correction to the Cabin User Fee Fairness Act of 2000.

Section 323 extends the Forest Service Conveyances Pilot Program.

Section 324 deals with processing expired grazing permits by the Bureau of Land Management and the Forest Service. This provision was carried in previous years for the Bureau of Land Management. This year it has been extended to the Forest Service.

Section 325 provides authority for the staff of Congressionally established foundations to use GSA contract airfare rates and Federal government hotel accommodation rates when on official business.

Section 326 authorizes a demonstration program for the Cheyenne River Sioux Tribe; which permits the Eagle Butte service unit to pay higher salaries and bonuses to attract health professionals, if they can do so at no additional cost. The tribe has reported that part-time contract employees currently are costing more than it would cost the tribe to hire full-time permanent employees under this demonstration program.

Section 327 prohibits the transfer of funds to other agencies other than provided in this Act.

Section 328 provides the Secretary of the Interior and the Secretary of Agriculture the authority to enter into reciprocal agreements with foreign nations concerning the personal liability of firefighters.

Section 329 continues a legislative provision which was in the fiscal year 2002 Energy and Water Development Appropriations Act. This provision limits funds for oil or gas leasing or permitting on the Finger Lakes National Forest, NY.

#### RESCISSIONS

Pursuant to clause 3(f)(2), rule XIII of the Rules of the House of Representatives, the following table is submitted describing the rescissions recommended in the accompanying bill:

<i>Department and activity</i>	<i>Amounts recommended for rescission</i>
Department of the Interior: Land and Water Conservation Fund (contract authority) .....	\$30,000,000
Smithsonian Institution: Salaries and Expenses .....	14,100,000

#### TRANSFER OF FUNDS

Pursuant to clause 3(f)(2), rule XIII of the Rules of the House of Representatives, the following table is submitted describing the transfer of funds provided in the accompanying bill.

#### APPROPRIATION TRANSFERS RECOMMENDED IN THE BILL

<i>Account from which transfer is to be made</i>	<i>Amount</i>	<i>Account to which transfer is to be made</i>	<i>Amount</i>

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003  
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>DEPARTMENT OF HEALTH AND HUMAN SERVICES</b>					
Indian Health Service					
Indian health services.....	2,389,814	2,453,835	2,508,756	+119,142	+54,921
Indian health facilities.....	369,487	362,571	391,865	+22,378	+29,294
Total, Indian Health Service.....	2,759,101	2,816,406	2,900,621	+141,520	+84,215
<b>OTHER RELATED AGENCIES</b>					
Office of Navajo and Hopi Indian Relocation					
Salaries and expenses.....	15,148	14,491	14,491	-657	--
Institute of American Indian and Alaska Native Culture and Arts Development					
Payment to the Institute.....	4,490	5,130	5,130	+640	--
Smithsonian Institution					
Salaries and expenses.....	399,253	448,760	450,760	+51,507	+2,000
Rescission.....	--	-14,100	-14,100	-14,100	--
Emergency appropriations (P.L. 107-117).....	21,707	--	--	-21,707	--
Subtotal.....	420,960	434,660	436,660	+15,700	+2,000
Repair, restoration and alteration of facilities.....	67,900	81,300	81,300	+13,400	--
Construction.....	30,000	12,000	10,000	-20,000	-2,000
Total, Smithsonian Institution.....	518,860	527,960	527,960	+9,100	--

**COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003  
(Amounts in Thousands)**

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>TITLE I - DEPARTMENT OF THE INTERIOR</b>					
Bureau of Land Management.....	1,872,597	1,825,422	2,110,542	+237,945	+285,120
United States Fish and Wildlife Service.....	1,276,424	1,283,364	1,396,091	+119,667	+112,727
National Park Service.....	2,380,074	2,355,561	2,395,139	+15,065	+39,578
United States Geological Survey.....	914,002	867,338	928,405	+14,403	+61,067
Minerals Management Service.....	156,772	170,327	170,826	+14,054	+499
Office of Surface Mining Reclamation and Enforcement..	306,530	279,402	290,112	-16,418	+10,710
Bureau of Indian Affairs.....	2,222,876	2,245,804	2,270,758	+47,882	+24,954
Departmental Offices.....	367,144	423,535	407,302	+40,158	-16,233
Total, Title I - Department of the Interior.....	9,498,419	9,450,753	9,969,175	+472,756	+518,422
<b>TITLE II - RELATED AGENCIES</b>					
Forest Service.....	4,130,416	3,948,711	4,645,250	+514,834	+696,539
Department of Energy.....	1,768,470	1,717,241	1,892,643	+126,173	+175,402
Indian Health Service.....	2,759,101	2,816,406	2,900,621	+141,520	+84,215
Office of Navajo and Hopi Indian Relocation.....	15,148	14,491	14,491	-657	-
Institute of American Indian and Alaska Native Culture and Arts Development.....	4,490	5,130	5,130	+640	-
Smithsonian Institution.....	518,860	527,960	527,960	+9,100	-
National Gallery of Art.....	85,335	94,449	94,449	+9,114	-
John F. Kennedy Center for the Performing Arts.....	38,310	33,910	33,910	-4,400	-
Woodrow Wilson International Center for Scholars.....	7,796	8,488	8,488	+692	-
National Endowment for the Arts.....	98,234	99,489	99,489	+1,255	-
National Endowment for the Humanities.....	124,304	125,754	126,054	+1,550	+300
Institute of Museum and Library Services.....	26,899	-	-	-26,899	-
Challenge America Arts Fund.....	17,000	17,000	17,000	-	-
Commission of Fine Arts.....	1,224	1,224	1,255	+31	+31
National Capital Arts and Cultural Affairs.....	7,000	7,000	7,000	-	-
Advisory Council on Historic Preservation.....	3,400	3,667	3,667	+267	-
National Capital Planning Commission.....	8,011	7,253	7,553	+458	+300
United States Holocaust Memorial Museum.....	38,028	38,663	38,663	+2,635	-
Presidio Trust.....	23,125	21,327	21,327	-1,798	-
Total, Title II - Related Agencies.....	9,671,351	9,488,163	10,444,950	+773,599	+956,787
Grand total.....	19,169,770	18,938,916	20,414,125	+1,246,355	+1,475,209